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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,863	01/30/2004	Patrick R. Lancaster III	2906.0359-00	2966
22852	7590	04/13/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			TAWFIK, SAMEH	
			ART UNIT	PAPER NUMBER
			3721	
DATE MAILED: 04/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/767,863

Applicant(s)

LANCASTER ET AL.

Examiner

Sameh H. Tawfik

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-119 is/are pending in the application.
- 4a) Of the above claim(s) 1-49, 53, 54 and 58-119 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 50-52 and 55-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08272004.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of claims 50-52 and 54-57 in the reply filed on 03/01/2005 is acknowledged. The traversal is on the ground(s) that by classifying all of claims 50-88, 94-96, 99, and 100 as being drawn to a single invention in Group II, further sub-divide these claims by elements to groups 1-6 as unrelated after the examiner has already classified these claims as being drawn to a single invention is improper. Further applicants argue that in order for the groups of claims to be restricted as being directed to independent inventions, the claims must be directed to entirely and completely different subject matter, and the subject matter of groups 1-6 is not independent, therefore, the claims are not independent as suggested in the office action. Applicants also argue that even if the claims of groups 1-6 were found to be independent as suggested in the office action, a restriction can not be sustained unless the examiner shows by appropriate explanation that either separate classification, separate status in the art, or different field of search. This is not found persuasive because the examiner believes that by grouping the inventions into two different once and then further restrict them to more different groups is just done to clarify the restriction and make it easier to identify the differences between the inventions. The examiner also believes that inventions 1-6 are directing to different subject matters; for example some of the groups referring to "A method for wrapping a load" and others to "A method for securing a load to a pallet" with all the differences as disclosed in the paper Num. 01262005. The examiner further believes that by showing the difference between groups 1-6 with different subject matters, that make it inherent a burden will be on the examiner in case of examining and searching in different areas for different inventions and search for all

Art Unit: 3721

six groups will require much more search in different areas or even if in the same area will still be burdening the examiner as of searching for more than one invention even though in the same area.

The requirement is still deemed proper and is therefore made FINAL.

Note that claim 54 is depending from claim 53, which is depending from claim 82. That make claim 54 is not in the elected invention, instead belongs to different invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 50-52, 55, and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Geisinger (4,432,185).

Geisinger discloses a method for wrapping a load comprising dispensing a film web (50) from a film dispenser (Fig. 2); rolling a portion of the film web (50) into a cable (Figs. 4, 6, and 7; via rope 46); and providing relative rotation between the load and the dispenser to wrap the film around the load (Fig. 6; via rotating pallet 52 in respect to the web 50).

Regarding claim 51: wherein wrapping the film web around the load includes securing the load to a pallet supporting the load with the film web and cable (Fig. 6; via pallet 52 and web 50).

Regarding claim 52: further comprising driving a portion of the film web (50) to an elevation below a top of a pallet (52) supporting the load (Figs. 5 and 6).

Regarding claim 55: wherein rolling a portion of the film web (50) includes engaging an edge portion of the film web with a cable rolling roper (46).

Regarding claim 56: wherein engaging the edge portion of the film web includes engaging the edge portion with a circumferential groove (Figs. 5 and 6; via groove in loop 45) in a roller (arm 44 which forming groove 45 extended from a roller shape) forming a cable rolling roper (46).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geisinger (4,432,185) in view of Buscherini et al. (6,453,643).

Geisinger does not disclose that engaging portion of the film web with a guide roller. However, Buscherini discloses similar method for wrapping a load comprising the step of engaging portion of film web (Figs. 6 and 7; film S2) with a guide roller (Figs. 6 and 7; via rollers R) to guide the web.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Geisinger's method for wrapping a load by having a

Art Unit: 3721

guide rollers, as suggested by Buscherini, in order to guide and direct the web to the proper wrapping location.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik  
Patent Examiner  
Art Unit 3721



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